



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,048	04/19/2001	Koichiro Nakatani	M1596-238	9436

7278 7590 09/09/2002

DARBY & DARBY P.C.  
POST OFFICE BOX 5257  
NEW YORK, NY 10150-5257

EXAMINER

HARTMANN, GARY S

ART UNIT	PAPER NUMBER
----------	--------------

3671

DATE MAILED: 09/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/830,048

Applicant(s)

NAKATANI, KOICHIRO

Examiner

Gary Hartmann

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 8-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 1/18/02 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tripod must be shown or the feature canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: the brief descriptions of each figure should be on a line independent from other brief descriptions; not in a paragraph form. Appropriate correction is required.

*Claim Objections*

4. Claim 1 is objected to because it should be on a page separate from the description.

Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5, 6, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuhl (U.S. Patent 5,407,295). Kuhl discloses the telescoping tubular members (2, 3) having the press applying and receiving surfaces (5, 6) and disposed in a rotational relationship (Figures 1 and 2, for example).

There are a plurality of press applying and receiving surfaces.

There are step and catch portions (Figure 1, for example).

The structure of Kuhl (Figure 10, for example) meets the recitations regarding the receiving/catch structure.

7. Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Upton (U.S. Patent 4,653,142). Upton discloses the telescoping tubular members (3-6) having the press applying and receiving surfaces (Figures 5A-8B) and disposed in a rotational relationship.

There are a plurality of press applying and receiving surfaces.

There are step and catch portions (Figure 6B, for example).

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Upton, as applied above. Upton does not disclose the receiving/catch structure; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used this structure in order to prevent unintentional disassembly; thereby improving safety.

10. Claims 1-3, 5, 6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Raymond (U.S. Patent 2,284,847) or Craig (U.S. Patent 2,234,486). Each of Raymond and Craig disclose tubular members (Raymond, 15, 17; Craig, 1, 5) having the press applying and receiving surfaces (Raymond, Figures 3 and 4; Craig, Figures 6-8) and disposed in a rotational relationship. Raymond and Craig do not teach a telescoping relationship; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used this configuration with a telescoping assembly in order to obtain a suitable quick coupling.

11. Claims 11-18 rejected under 35 U.S.C. 103(a) as being unpatentable over any of Kuhl, Upton, Craig, and Raymond, as applied above, and further in view of Gaynor (U.S. Patent 5,003,328). Kuhl, Upton, Craig, and Raymond do not teach tripods; however, tripods having telescoping members are common, as exemplified by Gaynor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the assemblies of

Art Unit: 3671

any of Kuhl, Upton, Craig, and Raymond with the legs of Gaynor in order to obtain quick deployment, in accordance with the inventions of Kuhl, Upton, Craig, and Raymond.

*Conclusion*


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references teach connectors.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 703-305-4549. The examiner can normally be reached on Monday through Friday, 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703-308-3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

gh  
September 4, 2002

  
**Gary Hartmann**  
**Primary Examiner**  
**Art Unit 3671**